



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, JULY 31, 2013

MATTHEW THORNTON ROOM

Members present: Phil Straight, Tony Pellegrino, Patrick Dwyer, Kevin Shea, and Alternates Leonard Worster and Richard Conescu.

Members absent: Fran L'Heureux and Alternate Nathan Barry.

Staff present: Planning and Zoning Administrator Nancy Larson and Recording Secretary Zina Jordan.

1. Call to Order.

Phil Straight called the meeting to order at 7:00 p.m.

2. Roll Call.

Phil Straight led the Pledge of Allegiance. Patrick Dwyer read the preamble. Phil Straight swore in members of the public who would be testifying and designated Richard Conescu to sit for Fran L'Heureux.

3. **Northview Homes & Development, Inc. (petitioner) and Raymond A. Cota and David R. & Dorothy E. Cota (owners)** – Variance under Section 3.08(9) of the Zoning Ordinance to permit less than the required 100 foot landscape buffer within a proposed residential cluster development. The parcels are located at 14 & 16 Pearson Road within the R (Residential) District. Tax Map 6D, Lots 046, 047, 047-2, 047-3, & 047-4. Case # 2013-21.

Applicant was represented by: Attorney Greg Michael, Bernstein Shur, and Ken Clinton, Project Manager, Meridian Land Services, Inc.

Public comment was received from: Darcy LaBrosse, 6 Woodhaven Circle.

The Board voted 4-1-0 to grant the variance to permit less than the required 100' landscape buffer but not less than 30', on a motion made by Kevin Shea and seconded by Tony Pellegrino. Patrick Dwyer voted in the negative.

4. **The Lynda Tomasian Revocable Trust, Lynda Tomasian, Trustee & The Stephanie Tomasian Revocable Trust, Lynda & Warren Tomasian, Trustees (petitioners/owners)** – Appeal of an Administrative Decision under Section 3.02 of the Zoning Ordinance that determined that lot area on one side of a prescriptive roadway cannot be used to satisfy the minimum contiguous area requirements. The parcels are located at 35 Tomasian Drive & 1 Tomasian Drive respectively, in the R-1 (Residential) & Aquifer Conservation Districts. Tax Map 4B, Lots 009 & 012. Case # 2013-22.

Applicant was represented by: Attorneys Christopher Aslin and Gregory Michael, Bernstein Shur.

There was no public comment.

A motion to deny the appeal failed on a vote of 2-3-0, on a motion made by Patrick Dwyer and seconded by Richard Conescu. Phil Straight, Tony Pellegrino and Kevin Shea voted in the negative.

After further discussion, the Board voted 3-2-0 to deny the appeal, on a motion made by Kevin Shea and seconded by Richard Conescu. Phil Straight and Tony Pellegrino voted in the negative.

- 5. Heidi A. Hoffman (petitioner/owner) –** Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a 14'x14' deck with ADA ramp, 21 feet from the front property line whereas 30 feet is required. The parcel is located at 17 Currier Road in the R (Residential) and Elderly Overlay Districts. Tax Map 5C, Lot 556. Case # 2013-23.

Applicant was represented by: Heidi Hoffman, 17 Currier Road.

There was no public comment.

The Board voted 5-0-0 to grant the variance, on a motion made by Patrick Dwyer and seconded by Richard Conescu.

- 6. Herron Family Revocable Trust, Robert & Renee Herron, Trustees (petitioners/owners) –** Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a 6'x17' workshop addition, 24 ½ feet from the front property line whereas 30 feet is required. The parcel is located at 7 Riverside Drive in the R-1 (Residential) District. Tax Map 4B, Lot 078. Case # 2013-24.

Applicant was represented by: Robert Herron, 7 Riverside Drive.

Public comment was received from: Newton Coryell, 5 Riverside Drive.

The Board voted 5-0-0 to grant the variance, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.

- 7. Discussion/possible action regarding other items of concern.**

Discussion only.

- 8. Approval of Minutes – June 26, 2013.**

The minutes of June 26, 2013, were approved as submitted, by a vote of 3-0-2, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer. Kevin Shea and Richard Conescu abstained.

- 9. Adjourn.**

The meeting adjourned at 8:50 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.